

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TOLEDO MACK SALES &	:	
SERVICE, INC.,	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. 02-CV-4373
	:	
v.	:	
	:	
MACK TRUCKS, INC.,	:	
	:	
Defendant.	:	

MACK TRUCKS, INC.,	:	
	:	
Counterclaim	:	
Plaintiff,	:	
	:	
v.	:	
	:	
TOLEDO MACK SALES &	:	
SERVICE, INC.,	:	
	:	
Counterclaim	:	
Defendant.	:	

ORDER

AND NOW, this 18th day of August, 2003, upon consideration of the Motion of Plaintiff/Counterclaim Defendant Toledo Mack Sales & Service, Inc. to Dismiss Counts I, II, III, and IV of Defendant/Counterclaim Plaintiff Mack Trucks, Inc.'s Counterclaims Against Plaintiff/Counterclaim Defendant Toledo Mack Sales & Service, Inc. Pursuant to Federal Rule of Civil Procedure 12(b)(6) (Docket No. 37) and Counterclaim Plaintiff Mack Trucks, Inc.'s Memorandum of Law in Opposition to Counterclaim Defendant's Motion to Dismiss First

Amended Counterclaims (Docket No. 38), it is hereby **ORDERED** that Plaintiff/Counterclaim Defendant Toledo Mack Sales & Service, Inc.'s Motion to Dismiss is **DENIED** in its entirety.

BY THE COURT:

RONALD L. BUCKWALTER, J.